

EXHIBIT 5

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1	Exhibit 8. So I think, as I recall, 2 that's basically it.	1	MS. AMRON: Objection on the 2 grounds of relevance and repeat my 3 standing objection to questions about 4 Exhibit 8?
3	Q. And what efforts did you 4 undertake before appearing to testify 5 here today to in any way expunge your 6 knowledge of the work that was done in 7 preparing Exhibit No. 8 from your 8 general experience and background so you 9 could testify otherwise on the topics 10 you were going to be asked about in your 11 direct?	5	A. Yes, they were.
12	MS. AMRON: Objection on the 13 grounds that it mischaracterizes the 14 witness' testimony and is argumentative.	6	Q. With respect to your 7 appearance here today, are you being 8 compensated for your time?
15	MR. STACK: I certainly 16 would dispute it is argumentative. 17 BY MR. STACK:	9	A. Yes, I am.
18	Q. Let me rephrase the 19 question. Mr. Burke, what did you do in 20 appearing to testify here today to 21 expunge, remove everything you learned 22 from your experience in assembling the 23 information with your colleague to 24 assist counsel in putting together	10	Q. Were you compensated for 11 your travel expenses to appear in New 12 York while en route to China?
19		13	MS. AMRON: Objection, 14 mischaracterizes his testimony.
20		15	A. I have not been en route to 21 China. Sorry.
21		17	Q. Are you going to China next 22 week?
22		19	A. I am.
23		20	Q. And did you fly in from 24 London to appear here today?
24		22	A. Yes. Well, no, no, no. Well, I was coming back anyway so I was not compensated by counsel for flying
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1	Exhibit No. 8?	1	back.
2	MS. AMRON: And I will 3 object that it mischaracterizes the 4 witness' testimony.	2	Q. Did you stay in New York 3 last night?
5	A. Well, I guess it is a 6 little hard to expunge things. But I 7 reviewed in my mind the -- my experience 8 in these areas in terms of, you know, 9 over the course of this time period, 10 what I have done in terms of working 11 with the industry, you know. Over this 12 time period Exxon Mobil repeatedly, as 13 I've checked it through the years, has 14 always ranked at the top in both 15 refining capacity and retail market 16 share. So, I mean, it wasn't too hard. 17 The tables in Exhibit 8 largely 18 confirmed what I had already known. It 19 just put some numbers behind it.	4	A. No.
20	Q. And with regard to the 21 information that's in Exhibit No. 8 in 22 the tables, those materials were 23 assembled within the last two to three 24 weeks?	5	Q. Pardon me?
21		6	A. No, I did not.
22		7	Q. Okay. And with regard to 8 your transit from -- you did travel from 9 London-New York; am I correct?
23		10	A. That's correct.
24		11	Q. With regard to the transit, 12 were you paid for travel time to appear 13 here today?
		14	A. No.
		15	Q. But you are being 16 compensated for the time that you spent 17 to prepare for and appear at your 18 deposition here today?
		19	A. Yes, I am.
		20	Q. And at what rate are you 21 being compensated?
		22	A. I believe it is \$460 an 23 hour.
		24	MR. STACK: I have no